THE HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.20509 of 2007

28.09.2007

Between

M/s.The Khammam District Consumers Cooperative Central Stores Limited.

…Petitioner

And

The Commissioner, Kurnool Municipal Corporation, Kurnool, Kurnool District.

…Respondent

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.20509 of 2007

ORDER:

This writ petition is filed questioning the tender notification, dated 21.09.2007, issued by the respondent inviting tenders for supply of uniform material to the Public Health and Engineering Sections staff and Office Attenders of the respondent-Corporation.

According to the petitioner, the respondent placed an order in the month of April, 2007 for supply of certain material and the subject of the said proceedings shows that the supply is for the year 2007-2008. Therefore, it is entitled to get all the orders that are intended to by the respondent for the entire year 2007-2008 and it is not open to the respondent to procure such material from any

third parties even by issuing tenders. Therefore, it sought declaration that the tender notification issued by the respondent is illegal and arbitrary.

Heard the learned counsel for the petitioner and considered the material on record.

A perusal of the supply order, dated 28.04.2007, clearly shows that the respondent-Corporation placed an order for supply of material mentioned therein, but it does not refer that the order is being placed on the petitioner as part of the order for supply of similar material during the entire year 2007-2008. Therefore, the presumption on which the petitioner has come up with the present writ petition is clearly misconceived. The petitioner having got a single order from the respondent-Corporation for supply of certain material, cannot claim that it has been awarded any work for the entire year. Now, the respondent-Corporation has issued a tender notification inviting tenders for supply of the material where even the petitioner can also participate, but cannot assail the said tender notification on the ground that the contract for supply was given to the petitioner. Therefore, the petitioner has no right to assail such action of the respondent-Corporation.

The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

28.09.2007

VGB